

MAILED 9 11 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of)	
)	
PIERCE TELEPHONE COMPANY, INC.)	NSD File Nos. 97-49
)	
Petition for Limited Waiver of the)	<u>CC Docket 92-237 /</u>
Federal Communications Commission's Rules)	
Concerning Administration of the North)	
American Numbering Plan)	
Carrier Identification Codes (CICs))	

To: Common Carrier Bureau

REQUEST FOR EXTENSION OF WAIVER

Pierce Telephone Company, Inc. ("Pierce" or "Petitioner"), by its attorney, respectfully requests an extension of the waiver granted on December 2, 1997 which extended Petitioner's deadline for the transition to four digit Carrier Identification Codes ("CICs") and any attendant customer education requirements established in the above-captioned proceeding until April 30, 1998. See Order In Re Petitions for Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule DA 97-2528, December 2, 1997 ("Order"). Petitioner requests additional time to comply with the requirement that a carrier have four digit CIC capability due to a delay in vendor response time. Petitioner is a small local exchange carrier ("LEC") which provides equal access to its customers. Petitioner does not routinely upgrade switch hardware or reprogram operating systems software. In its rural service area cost considerations are primary, and there is not a strong market for custom calling features. As demonstrated herein, good cause exists for this waiver extension^{1/} because it is technically infeasible for Petitioner to comply with

^{1/} "The Commission may exercise its discretion to waive a rule where particular facts would (continued...)

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the April 30, 1998 deadline for conversion to the four digit CIC capability. Accordingly, Petitioner requests an extension of time to implement four digit CIC capability.

Background and Facts

The factual background pertaining to the original *Petition For Limited Waiver* CC Docket No. 92-237, November 5, 1997 ("Petition") remains the same.^{2/} Since the time of the Order granting the extension, Petitioner purchased from Northern Telecom ("Nortel") an updated release of the operating system software necessary to have four digit CICs capability. Nortel recently informed Petitioner that due to its long waiting list for the software upgrade it will not be able to provide the software until April 20, 1998 and will not be able to have it installed and running until June 5, 1998.

Request for Waiver

Petitioner requests an extension of its waiver of the January 1, 1998 deadline to transition to four digit CICs by April 30, 1998 so that the vendor, Nortel, has the additional time it needs deliver and install the software upgrade. Petitioner has taken all of the steps it indicated it would in its original Petition to attempt to meet the April 30, 1998 extension. However, compliance

^{1/}(...continued)

make strict compliance inconsistent with the public interest." WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC 897 F.2d 1164, 1166 (D.C. Cir. 1990).

^{2/} See *Petition of Limited Waiver of Pierce Telephone Company, Inc.* CC Docket No. 92-237, November 5, 1997, pp. 2-3.

with the April 30, 1998 extension for transitioning to four digit CICs has become technically infeasible since the delivery of the software has been delayed by Nortel.

The Commission previously recognized the technical and economic burden on small and rural LECs in purchasing software and equipment upgrades when it granted the original waiver and extension of the deadline. In its December 2, 1997 Order, the Commission granted wavier and extension of the deadline for transition to four digit CICs to several companies and several until June 30, 1998, determining that such an extension is reasonable, recognizing that the burden imposed on the LECs by denying the extension outweighs the burden to IXC's and their customers.

Conclusion

For the reasons explained, Petitioner requests an extension of the waiver of the January 1, 1998 deadline for implementation of four digit CICs. Petitioner requests that the original waiver and extension be extended from April 30, 1998 until June 30, 1998. The public interest benefit in this case equals or exceeds that which the Commission has found in other instances to be sufficient for waiver. Accordingly, Petitioner requests the extension of waiver be granted as proposed.

Respectfully submitted,

PIERCE TELEPHONE COMPANY, INC.

By: B. Lynn F. Ratnavale
B. Lynn F. Ratnavale

Its Attorney

Lukas, Nace, Gutierrez & Sachs, Chartered
1111 19th Street N.W. Suite 1200
Washington, D.C. 20036
Ph# 202-857-3500

DECLARATION

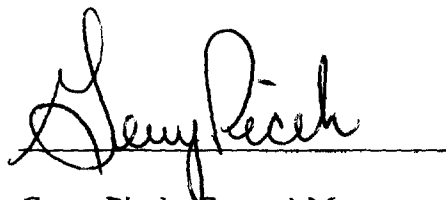
I, Gerry Picek, hereby state and declare:

1. I am General Manager of Pierce Telephone Company, Inc., a local exchange carrier in Pierce, Nebraska.

2. I am familiar with the facts contained in the foregoing Request For Extension of Waiver, and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts which are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23 day of March, 1998.

A handwritten signature in cursive script, reading "Gerry Picek", written over a horizontal line.

Gerry Picek, General Manager
Pierce Telephone Company, Inc.

CERTIFICATE OF SERVICE

I, Michael D. Hunter, of Lukas, Nace, Gutierrez & Sachs, Chartered, hereby certify that on this 30th day of March, 1998, a copy of the attached "Request For Extension of Waiver" was hand delivered to the parties listed below:

A handwritten signature in black ink, appearing to read "M. Hunter", written over a horizontal line.

Michael D. Hunter

A. Richard Metzger, Jr., Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street NW, Room 500
Washington, DC 20054

Geraldine Matisse, Chief
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street NW, Room 235
Washington, DC 20554

Elizabeth Nightingale, Esq.
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street NW, Room 235
Washington, DC 20554

Kris Monteith, Esq.
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street NW, Room 235
Washington, DC 20554